

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TITLEMAX OF TEXAS, INC.,	§	
IVY FUNDING COMPANY LLC, and	§	
NCP FINANCE LIMITED PARTNERSHIP,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:21-cv-01040
	§	
	§	
CITY OF DALLAS,	§	
Defendant.	§	

CITY OF DALLAS’S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

NOW COMES Defendant, the City of Dallas (“City”), in the above styled and numbered cause, and pursuant to 28 U.S.C. Sections 1331 and 1441(a) files this Notice of Removal, and in support thereof would respectfully show the Court as follows:

1. On or about April 16, 2021, Plaintiff served the City with Plaintiff’s Original Petition in the 298th Judicial District Court, Dallas County, Texas, Cause No. DC-21-04504. Plaintiff’s Original Petition alleges claims that the City violated its state and federal constitutional rights, including an alleged violation of the due process clause of the Fourteenth Amendment of the United States Constitution.

2. Pursuant to 28 U.S.C. §1331, the Federal District Courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. Plaintiff’s claims may therefore be removed to Federal District Court in accordance with 28 U.S.C. § 1441(a).

3. Pursuant to 28 U.S.C. § 1446(a), attached in an appendix to this Notice of Removal are copies of all process and pleadings, orders and other filings in the state court action as of May

7, 2021. (*See* Appendix to Notice of Removal.) Venue is proper in this district under 28 U.S.C. § 1446(a), because Dallas County, Texas, where the removed action is pending, is within the Dallas Division of the United States District Court for the Northern District of Texas.

4. To the extent Plaintiff is asserting any state law causes of action, Defendants would show that the United States District Court has jurisdiction over Plaintiff's independent state law claims pursuant to the Court's supplemental jurisdiction, because those claims arise out of and are derived from a common nucleus of operative facts which form the basis of Plaintiff's federal civil claims.

5. The Notice of Removal is being filed within thirty (30) days of service of Plaintiff's claims on April 16, 2021, as required by 28 U.S.C. § 1446(b). *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999) (30-day deadline commences on the date the defendant is formally served).

6. Pursuant to 28 U.S.C. § 1446(d), the City intends to serve written notice of this removal upon all interested parties and upon the 298th District Court, Dallas County, Texas, promptly after filing this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, the City of Dallas hereby effectuates a removal of the present cause of action to this Honorable United States District Court.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF DALLAS, TEXAS

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**ATTORNEYS FOR DEFENDANT
CITY OF DALLAS**

CERTIFICATE OF SERVICE

I certify that opposing counsel was served with a true and correct copy of the foregoing document via e-service through and electronic filing service provider on this 7th day of May 2021.

s/ Charles S. Estee